

PATENT COOPERATION TREATY

PCT

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INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference AHT_03		FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/IN 2003/000089	International filing date (day/month/year) 27 March 2003 (27.03.2003)	Priority Date (day/month/year) 27 March 2002 (27.03.2002)	
International Patent Classification (IPC) or national classification and IPC IPC⁷: C07D 295/14			
Applicant SUN PHARMACEUTICAL INDUSTRIES LIMITED			
<p>1. This international preliminary examination report has been prepared by this International Preliminary Examination Authority and is transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of <u>3</u> sheets, including this cover sheet.</p> <p><input type="checkbox"/> This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets of amendments made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p>These annexes consist of a total of _____</p>			
<p>3. This report contains indications relating to the following items:</p> <ul style="list-style-type: none"> I. <input checked="" type="checkbox"/> Basis of the opinion II. <input type="checkbox"/> Priority III. <input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability IV. <input type="checkbox"/> Lack of unity of invention V. <input checked="" type="checkbox"/> Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement VI. <input type="checkbox"/> Certain documents cited VII. <input type="checkbox"/> Certain defects in the international application VIII. <input type="checkbox"/> Certain observations on the international application 			
Date of submission of the demand 16.10.2003		Date of completion of this report 12 July 2004 (12.07.2004)	
Name and mailing address of the IPEA/AT Austrian Patent Office Dresdner Straße 87 A-1200 Vienna Facsimile No. 1/53424/200		Authorized officer SLABY S. Telephone No. 1/53424/348	

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/IN 2003/000089

I. Basis of the report

1. With regard to the elements of the international application:*

☒ the international application as originally filed

☐ the description:

pages _____, as originally filed

pages _____, filed with the demand

pages _____, filed with the letter of _____.

☐ the claims:

pages _____, as originally filed

pages _____, as amended (together with any statement) under Article 19

pages _____, filed with the demand

pages _____, filed with the letter of _____.

☐ the drawings:

pages _____, as originally filed

pages _____, filed with the demand

pages _____, filed with the letter of _____.

☐ the sequence listing part of the description:

pages _____, as originally filed

pages _____, filed with the demand

pages _____, filed with the letter of _____.

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language _____ which is:

the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).

the language of publication of the international application (under Rule 48.3(b)).

☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

☐ contained in the international application in printed form.

☐ filed together with the international application in computer readable form.

☐ furnished subsequently to this Authority in written form.

☐ furnished subsequently to this Authority in computer readable form.

☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.

☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☐ The amendments have resulted in the cancellation of:

☐ the description, pages _____.

☐ the claims, Nos. _____.

☐ the drawings, sheets/fig _____.

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as „originally filed“ and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

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International application No.
PCT/IN 2003/000089

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement	Novelty (N)	Claims 1-19	YES
		Claims ---	NO
	Inventive step (IS)	Claims 1-19	YES
		Claims ----	NO
	Industrial applicability (IA)	Claims 1-19	YES
		Claims ----	NO

Citations and explanations (Rule 70.7)

The following documents have been cited in the Search Report:

D1: WO 01/29016 A1
D2: FR 2082168 A

The present application relates to 4-(diarylmethyl)-1-piperazinyl derivatives and pharmaceutical compositions thereof.

D1 and D2 disclose 4-(diarylmethyl)-1-piperazinyl derivatives but with different substituents than the claimed compounds of the present case.
Since none of the cited documents D1 and D2 discloses all essential and characteristic features of the present claims 1-19, the subject matter of the present application is regarded to meet the requirement of novelty and though the subject matter of the present application cannot be regarded as obvious, inventive step is acknowledged.

Industrial applicability is given.